

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JUN 21 2011

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0332
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
R.W. WOOD,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR200900610

Honorable James L. Conlogue, Judge

AFFIRMED AS CORRECTED

Joel Larson, Cochise County Legal Defender
By Thomas C. Holz

Bisbee
Attorneys for Appellant

H O W A R D, Chief Judge.

¶1 After a jury trial, appellant R.W. Wood was convicted of aggravated assault using a deadly weapon or dangerous instrument and aggravated assault causing “temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part.” The trial court imposed mitigated, concurrent sentences, the longer of which was five years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), avowing he has reviewed the entire record and found no arguable issue to raise on appeal. In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), counsel also has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” We have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Wood has not filed a supplemental brief.

¶3 Viewed in the light most favorable to upholding the jury’s verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Wood struck the victim, M., with his truck after a verbal and telephonic altercation with M. about the affair Wood had been having with M.’s wife. M. sustained various injuries, including two broken bones in his arm.

¶4 We conclude substantial evidence supported the jury’s findings of all the elements necessary for Wood’s convictions, *see* A.R.S. § 13-1204(A)(2), (3), and his

sentences are within the authorized range,¹ *see* A.R.S. § 13-704(A). In our examination of the record pursuant to *Anders*, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Wood’s convictions and sentences.

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Presiding Judge

/s/ Philip G. Espinosa

PHILIP G. ESPINOSA, Judge

¹We note that in its sentencing minute entry the trial court incorrectly listed Wood’s conviction for aggravated assault causing serious physical injury as “a class 3 felony.” At the sentencing hearing, however, the court correctly referred to that conviction as one for a class four felony, and under the circumstances presented here, the oral pronouncement controls. *See State v. Leon*, 197 Ariz. 48, n.3, 3 P.3d 968, 969 n.3 (App. 1999). The minute entry is therefore corrected to reflect that the conviction is for a class four felony.